

Remarks

Reconsideration of this Application is respectfully requested.

Applicants' thank the Examiner for the telephonic Examiner Interview conducted on December 14, 2005.

Upon entry of the foregoing amendment, claims 65-139 are pending in the application, with 65 being the independent claim. Claims 1-64 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 65-139 are sought to be added. Support for new claims 65-139 are found throughout the specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

In paragraph 5 of the Final Office Action, the Examiner rejected claims 1-64 under 35 U.S.C. § 101, alleging that the claims are directed to non-statutory subject matter because the claims do not recite significant computer processing. Applicants respectfully traverse.

In the recent case of *In re Lundgren*, BPAI Case Nos. 2003-2088 (Sept. 28, 2005), the Board held that:

"there is currently no judicially recognized separate 'technological arts' test to determine patent eligible subject matter under § 101. We decline to create one."

(In re Lundgren, at page 7). Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Rejections under 35 U.S.C. § 102 and § 103

In paragraphs 6 and 7 of the Final Office Action the Examiner rejected claims 1-64 as being anticipated by DeMarcken *et al.* (WO 00/46715 A), or unpatentable over DeMarcken *et al.* in view of, *Using Predictive Prefetching to improve world wide web latency*, (Padmanabhan V N *et al.*). Applicants respectfully traverse for at least the reasons discussed during the telephonic interview of December 14, 2005. Nevertheless, in order to expedite prosecution, claims 1-64 have been cancelled without prejudice to or disclaimer of the subject matter therein. The rejection is thus believed to be rendered moot. Reconsideration and withdrawal of the rejection is requested.

New Claims 65-139

New claims 65-139 have been added to recite aspects of the invention found throughout the specification. Independent claim 65 recites, among other features, prioritization of the requests, and factors considered in selecting sources of information. These features were discussed during the telephonic interview of December 14, 2005. The combination of features recited in new claim 65, and dependent claims 66-139, are not taught or suggested by DeMarcken or Padmanabhan, alone or in combination. Prompt consideration and allowance of new claims 65-139 is requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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